



Massachusetts Law Quarterly

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September 5, 1837—September 5, 1917

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NUNC PRO TUNC

Birthdays? — yes, in a general way,
For the best, as well as the wisest, men,
And since they are eighty anyway
They can have one now just as well as then.

A PARABLE OF PRINCIPLES AND THEIR PRODUCTS
(See the inside of the cover)

*Presented at the Annual Dinner
of the
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A PARABLE OF PRINCIPLES AND THEIR PRODUCTS

FIRST—THE PRINCIPLES

"It is essential to the preservation of the rights of every individual's life, liberty, property, and character that there should be an impartial interpretation of the laws and administration of justice. It is the right of every citizen to be tried by judges as free, impartial and independent as the lot of humanity will admit." *Massachusetts Constitution, Bill of Rights, Art. XXIX. (1780.)*

"The foundation of every government is some principle or passion in the minds of the people. The noblest principles and most generous affections in our nature, then, have the fairest chance to support the noblest and most generous models of government. . . . The dignity and stability of government in all its branches, the morals of the people, and every blessing of society depend so much upon an upright and skillful administration of justice that the judicial power ought to be distinct from both the legislative and executive, and independent upon both, that so it may be a check upon both, as both should be checks upon that. The judges, therefore should be always men of learning and experience in the laws, of exemplary morals, great patience, calmness, coolness, and attention. Their minds should not be distracted with jarring interests; they should not be dependent upon any man or body of men. . . . They should lean to none, be subservient to none, nor more complacent to one than another." *John Adams, "Thoughts on Government," Jan., 1776.*

"The Legislative cannot Justly assume to itself a power to rule by extempore arbitrary decrees; but it is bound to see that Justice is dispensed and that the rights of the subjects be decided, by promulgated, standing and known laws, and authorized independent Judges; that is independent as far as possible of Prince or People." *Samuel Adams in the Resolutions of the Town of Boston, Nov. 20, 1772.*

"Men cannot live apart or independent of each other. . . . Yet they cannot live together without contests. These contests require some arbitrator to determine them. The necessity of a common, indifferent, and impartial judge makes all men seek one." *James Otis in "Rights of the British Colonies." (1764.)*

SECOND—THE PRODUCTS

(See Exhibits 1 and 2 on the following pages.)

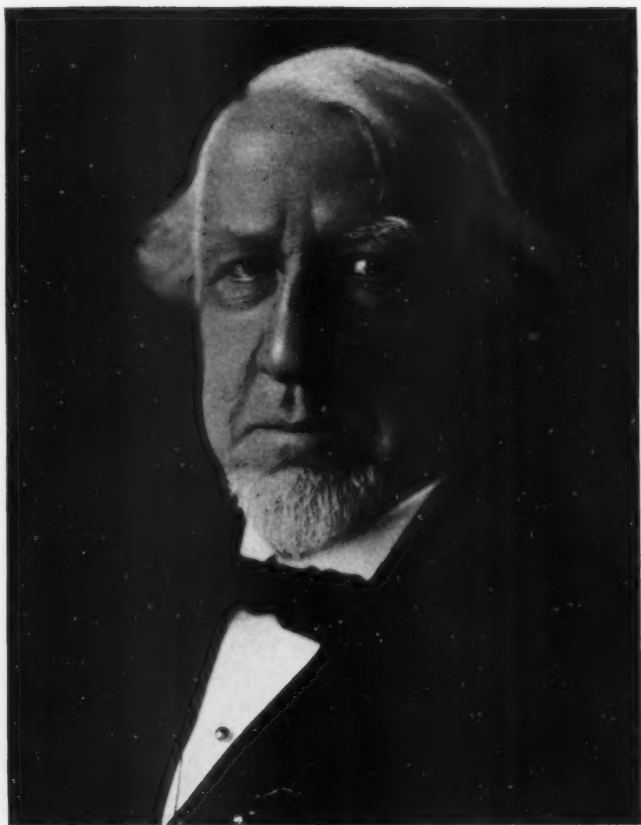
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James M. Morton

*Associate Justice Supreme Judicial Court of Massachusetts, 1890-1913.
Delegate at Large from the Fifteenth Congressional District to the Massachusetts
Constitutional Convention of 1917.*

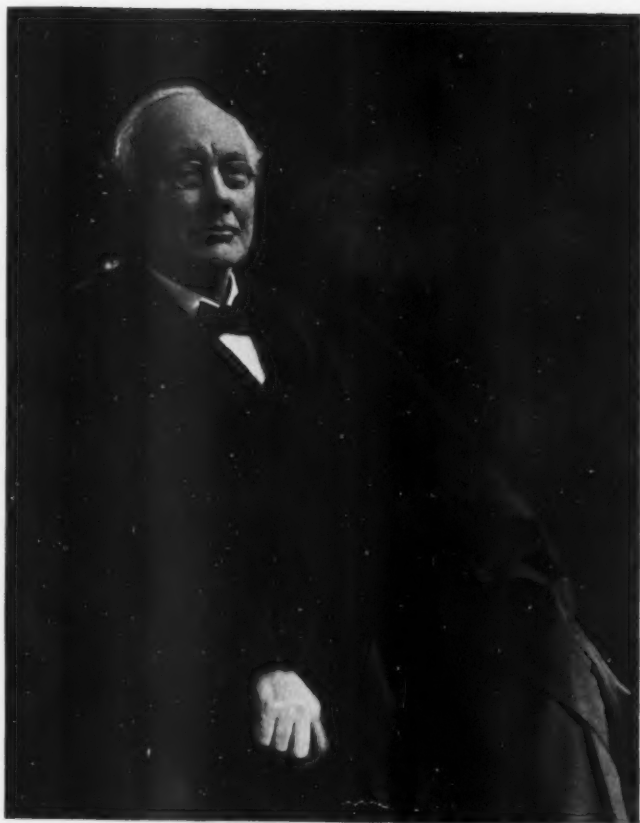
TO JUDGE MORTON AND JUDGE HAMMOND

May it please your Honors—

The courts and the bar are abused by most laymen,
Whether potentates, paupers, divorcées or draymen,
For it's human to whine about facts;
Men don't like to be judged by their acts;
And many, unfortunate,
Rash or importunate,
Wish to get rid of their pacts.
When men fought for verdicts the parties were tried,
Blows settled the question of which of them lied,
And in trials for crimes,
In those simple old times,
The poor devil accused found the courts were one-eyed.
But now, in more civilized fashion, we try,
Not the parties or power of men,
But the court and the case
Are brought up face to face
And the judge is the one who's tried then.
And as case upon case comes on year after year,
In a stream that ne'er comes to an end,
It is some mitigation
Of such litigation
To know there's a judge who won't bend.

And to you, sirs — tonight —
'Tis our pleasure and right
To deliver what we have long saved —
Our respect, our affection, sincere gratitude,
Admiration, indeed, for your just attitude —
In short — for the way you've behaved.
And this present we give, it is true,
Is one which we'll keep ourselves, too,
As a memory green
Of strong men we have seen —
Sirs — the State is indebted to you !

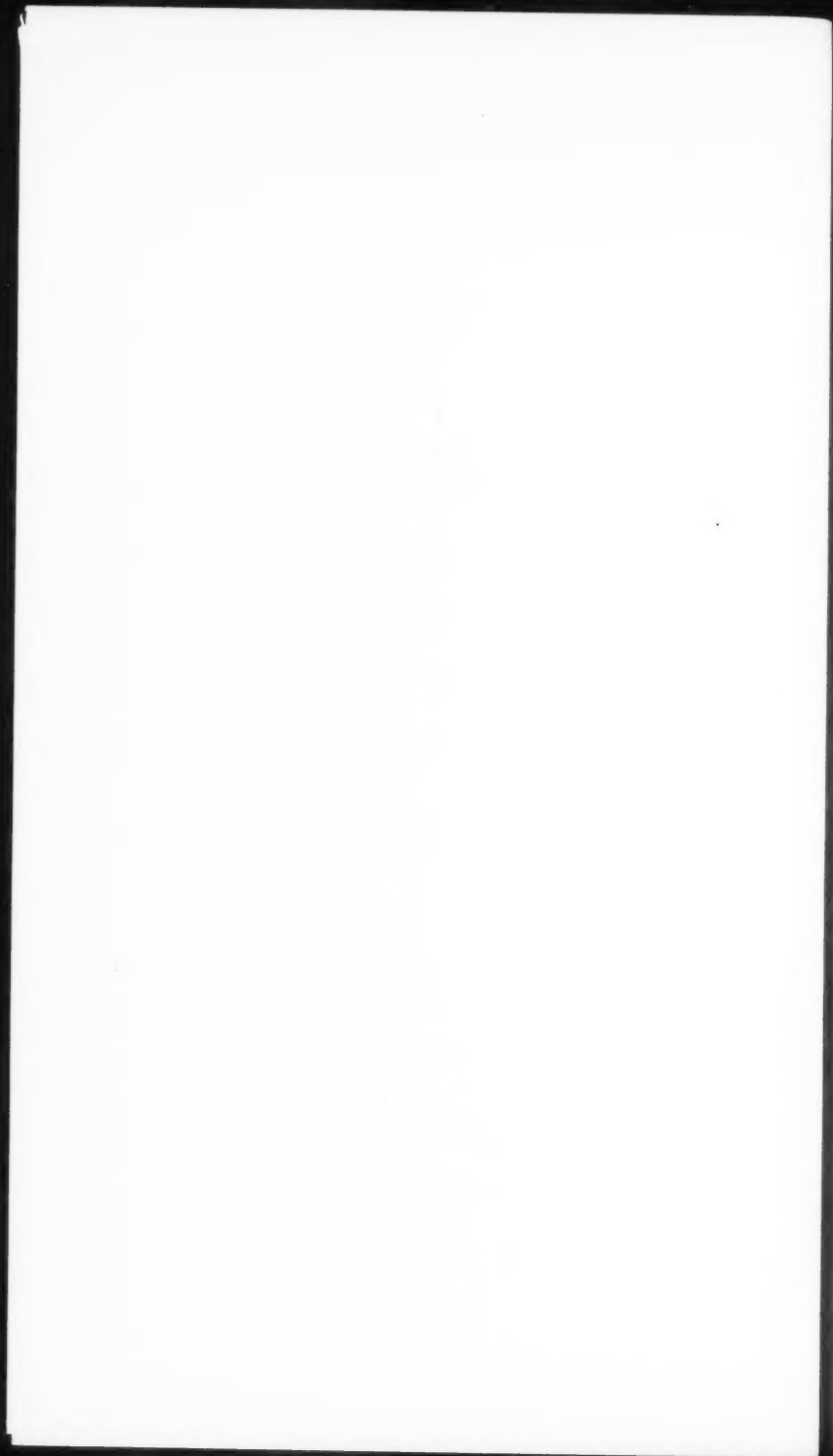




John W. Hammond.

Justice of the Superior Court, 1886-1898.

Associate Justice Supreme Judicial Court, 1898-1914.



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